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Date 1/2/03 Label No. EV 251496831-US

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07278

PATENT TRADEMARK OFFICE

Docket No.: 5986/17686US5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John W. Barnwell

Serial No.: 09/667,130

Art Unit: 1645

Confirmation No.: 8596

Filed: September 21, 2000

For: PLASMODIUM VIVAX BLOOD STAGE ANTIGENS, ANTIBODIES AND
DIAGNOSTIC ASSAYS

January 2, 2003

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the

above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed: (Check one of the boxes A-D)

- ☐ A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- ☐ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☒ C. after (A) and (B) above, but before the mailing date of a final rejection, a notice of allowance, or any other action that closes prosecution, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☒ ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Counsel states that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ i. A check for the fee set forth in 1.17 (p), presently believed to be \$180, is enclosed.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form

PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

- ☐ A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☒ B. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

U.S. Patent No. 5,532,133, issued July 2, 1996;
U.S. Patent Application Serial No. 08/478,417, filed June 7, 1995, now abandoned;
U.S. Patent No. 5,874,527, issued February 23, 1999.
U.S. Patent Application Serial No. 08/719,821, filed September 30, 1996; and
U.S. Patent No. 6,231,861, issued May 15, 2001.

Applicant Identifies these documents by attaching hereto copies of the forms PTO-892 and PTO- 1449 from the files of the prior application(s) or a fresh PTO- 1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

☐ 3. Document Nos. _____ are not in the English language. In accordance with 1.98(c), Applicant states:

- ☐ An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application is enclosed.
- ☐ A concise explanation of the relevance of document(s) _____ is found in the attached search report (see MPEP § 609 A(3)x).
- ☐ A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]

- ☐ A concise explanation of the relevance of document(s) _____ can be found on pages _____ of the specification.
- ☐ A concise explanation of document(s) _____ can be found on the attached sheet.

☐ 4. No explanation of relevance is necessary for documents in the English language (see MPEP § 609 A(3)).

☐ 5. Other information being provided for the examiner's consideration follows:

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of' the item and Applicant reserves the right to prove that the date of publication is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

- (1) U.S. Patent No. 5,532,133, issued July 2, 1996;
- (2) U.S. Patent Application Serial No. 08/478,417, filed June 7, 1995, now abandoned;
- (3) U.S. Patent No. 5,874,527, issued February 23, 1999.
- (4) U.S. Patent Application Serial No. 08/719,821, filed September 30, 1996; and
- (5) U.S. Patent No. 6,231,861, issued May 15, 2001.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Howard M. Frankfort", written over a horizontal line.

Howard M. Frankfort, Ph.D.

Registration No. 32,613

Agent for Applicant(s)

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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

SHEET 1 OF 2
(REV. 7-80)**LIST OF REFERENCES CITED BY APPLICANT**

(Use Several Sheets if Necessary)

DOCKET NO.: 5986/17686 US1 + US4 SERIAL NO: 08/478,417
APPLICANT: John Barnwell + US3
FILING DATE: June 7, 1995

U.S. PATENT DOCUMENTS

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>NAME</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>FILING DATE</u>
106	5,001,225	3/19/91	Taylor			
106	5,130,416	7/14/92	Wellems et al.			

FOREIGN PATENT DOCUMENTS

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>COUNTRY</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>TRANSLATION YES NO</u>
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OTHER REFERENCES**(INCLUDING AUTHOR, TITLE DATE, PERTINENT PAGES, ETC.)***EXAMINER
INITIALS

106
Aikawa, M. et al., *Am.J. Pathol.* 79:285, 1975
Anderson, R.G.W., *PNAS (USA)* 90:10909, 1993
Anderson, R.G.W., et al., *Science* 255:410, 1992
Atkinson, C. T. et al., *Blood Cells* 16:351, 1990
Barnwell, J.W. et al., *Experimental Parasitology* 70:85, 1990
Bianco, A.E. et al., *PNAS (USA)* 83:8713, 1986
Campbell, A.M., in "Laboratory Techniques in Biochemistry and Molecular Biology", Elsevier, 1991, pp. 20-27
Chappell, T.G. et al., *Cell* 45:3, 1986
Eckert et al., *Exp. Parasitol.* 75:323, 1992
Galinski et al., *Cell* 69:1213, 1992
Harlow, E. et al., "Antibodies - A Laboratory Manual", Cold Spring Harbor Laboratory, 1988
Hellström, K.E. et al., in "Monoclonal Antibodies for Cancer Detection and Therapy", edited by R.W. Baldwin, Academic Press, 1975, p. 20
Howard et al., *J. of Cell Biol.* 103:1269, 1986

J. W. DUFF

1/20/96

LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

DOCKET NO.: 5986/17686 US1
APPLICANT: John Barnwell
FILING DATE: June 7, 1995

SERIAL NO: 08/478,417

- PAD James, M.A. et al., *Abstracts of the 41st Annual Meeting of the American Society of Tropical Medicine and Hygiene*, Seattle, Wash. Nov. 16-19, 1992. Abstract No. 135, p. 145
- PAD Kumar, N. et al, *PNAS (USA)*, 85:6277, 1988
- PAD Lathe, R., *J. Mol. Biol.* 183:1, 1985
- PAD Matsumoto, Y. et al., *Am. J. Trop. Med. Hyg.* 39(4):317, 1988
- PAD Maurer, P.H. et al., *Methods in Enzymology*, 70:49, 1980
- PAD Minchiotti, L. et al., *Abstract Biochim. Biophys. Acta*, 1119:232, 1992
- PAD Nolte, D., et al., *Mol. and Biochem. Parasitol.* 49:253, 1991
- PAD O'Connell et al., *MD & DI* pp. 31-36, December, 1985
- PAD O'Connell et al., *Clin. Chem.* 31(9):1424, 1985
- PAD Panton et al., *Mol. and Biochem. Parasitol.* 35:149, 1989
- PAD Rock et al., *Parasitol.* 95:209, 1987
- PAD Thomas, A.W. et al. *Parasite Immunol.* 12:105, 1990
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- PAD Wilson, *Nature* 284:451, 1980
- PAD Wilson et al., *Int. J. Parasitol.* 3:511, 1973
- PAD Yang, Y-F et al., *Mol. and Biochem. Parasitol.* 26:61, 1987

EXAMINER:

PATRICIA A. DUFFY

DATE CONSIDERED:

1/26/96*EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.